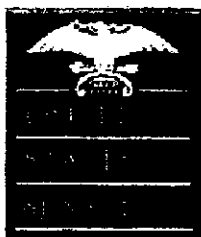


06-1142-GA-BIN

CP07-208-000



UNITED STATES SENATOR

1650 Market Tower, 10 West Market Street
Indianapolis, IN 46204

(317) 554-0750 - FAX (317) 554-0760

Date: 8-3-08FAX: 202-208-2106To: Patricia Schaub

Subject: _____

From: _____

☐ Tashema Allen☐ John Bean☐☐ Tamara Hurley☐ Doran Moreland☒ Martha Pabon☐ Karen Railing☐ Tom Sugar☐ Cheryl Sullivan☐FEDERAL ENERGY
REGULATORY COMMISSION

2008 AUG -5 A 11:03

OFFICE OF
EXTERNAL AFFAIRS

2008 AUG 18 AM 7:51

number of pages including cover: 8

ORIGINAL

Comments:

Please provide
with an update on this case.
Thank you.

MP

2008-00192

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SENATOR BAYH INDY

002/008

EVAN BAYH
INDIANA

131 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1404
(202) 224-5823
<http://bayh.senate.gov>

1650 MARKET TOWER
10 WEST MARKET STREET
INDIANAPOLIS, IN 46204
(317) 554-0760

United States Senate

WASHINGTON, DC 20510-1404

COMMITTEES:
ARMED SERVICES
BANKING, HOUSING, AND URBAN AFFAIRS
SELECT COMMITTEE ON INTELLIGENCE
SMALL BUSINESS
SPECIAL COMMITTEE ON AGING

August 1, 2008

Patricia Schaub
Acting Director
Division of Congressional and Intergovernmental Affairs
Federal Energy Regulatory Commission
888 First Street, Ne, Room 11h
Washington, D.C. 20426-0001

Dear Patricia:

In looking through my files, I noted that I have not received a final response to my March 5th inquiry on behalf of Andy Stirm.

I would appreciate you checking into this matter, and providing me with a current status report. Please forward any information to me at:

10 West Market Street, Suite 1650
Indianapolis, Indiana 46204
Fax: (317) 554-0760

If you have any questions, please feel free to contact my Constituent Services Representative, Martha Pabon, at (317)554-0762. Thank you for your time and assistance.

Best wishes,



Evan Bayh
United States Senator

EB/mp

Enclosure

Federal Energy Regulatory Commission
Attn: Kimberly D. Bose, Secretary
888 First Street, NE
Room 1A
Washington, DC 20426

Reference: Docket No. CP07-208-000

cc: US Sen. Lugar, IN
Indiana Sen. Jackman, District 42
Indiana Sen. Nugent, District 43
US Sen. Bayh, IN
Rep. Robert Bischoff, District 68
US Congressman, Mike Pence, District 6
Gov. Mitch Daniels, Indiana
US Congressman, Zach Space, Ohio

February 21, 2008

Dear Ms. Bose or whom it may concern,

I would like to add an addendum to the document that I posted via e-link on 1-29-08 (this will be my fourth posting).

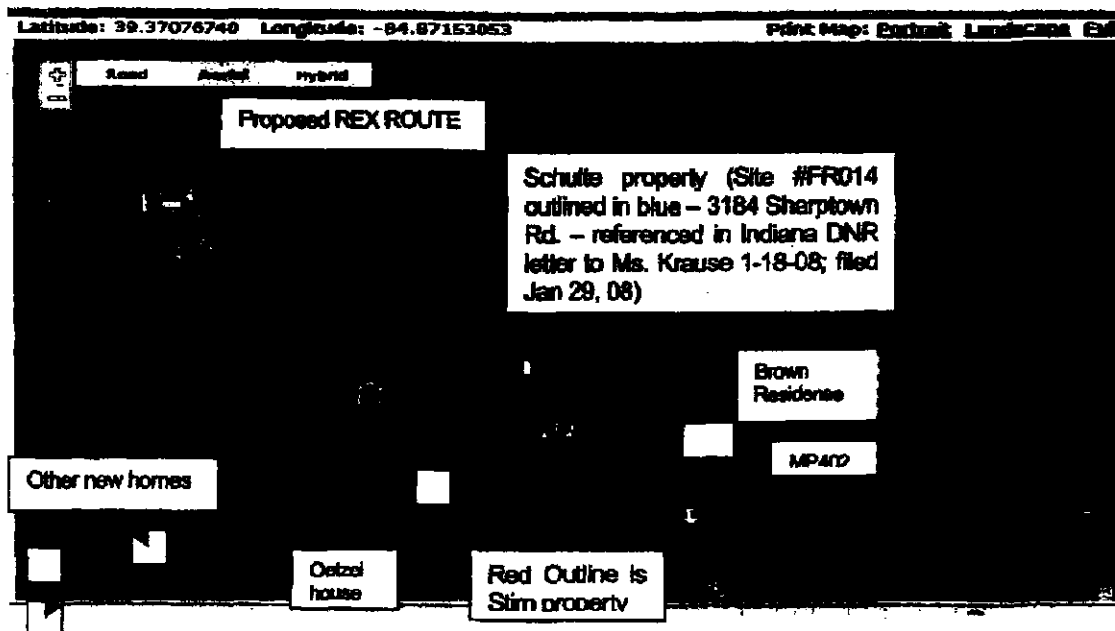
Many things have happened since the last posting.

First, I applaud FERC requesting more detailed information about the Well Head Protection area along the Whitewater River where Hoosier Hills Water draws it's water for 37,000 + residents from the aquifer in the Whitewater Valley. This seems like a critical over-site by REX.

Secondly, I am curious to see the results of the schedule for more cultural resource studies (architecturally as well as the archaeological). As you have noticed, Franklin County is rich in both; with lots of history including the Whitewater Canal, the large showing of Indian artifacts that have been found as well as the unique older homes in the area. For example, the Whitewater Valley Archaeological Society meets this weekend in New Trenton, Indiana to allow locals to exhibit their new "finds". My son is a junior member of this fine group and is an avid and successful arrowhead hunter.

I also am interested in REX's response to FERC's request to identify "constructability" issues specifically in the MP 401.5 to 402 area (Schulte and Oetzel property - ref item 23 in Feb. 8th, 2008 letter to Ms. Weekly from Ms. Alisa Lykens in Gas Branch 2). As identified in my prior docket postings on 1-14-08, 1-21-08 and 1-29-08, our property is adjacent to this area. See Figure One below in RED:

FIGURE ONE



February 21, 2008

To this point, the "construction issues" that I have presented are as follows:

- 1) Why should residents with existing homes have to bear the burden to have a 42" pipeline between approximately 13 houses (EXISTING) when an uninhabited 100 acre field less than 1/4 to the north be utilized?
- 2) Issues of REX going through well head protection areas of an aquifer that ranges through 3 separate water utilities in the Whitewater Valley area south of Brookville/North of Cedar Grove. An additional area of concern is Franklin County Water's well in the Big Cedar and Cedar Grove areas.
- 3) Avoidance of REX going through MP 386 to 400.0 for concerns of Migratory Birds and Indiana Bat. It should also be noted that my previous route recommendations routes the REX Line around the area of woods shown in Figure One above (and in). This area of woods is also the starting point to the Sater Run Creek (just east of MP402). Going just to the north of this patch of woods would save more wooded area and impact one less water body! I also suspect that by the volume of bats that we see at home in the evening, that this woods is also very likely inhabited with the Indiana bat. I would hate to see the bats leave our area as they do a wonderful job of keeping the insects in check. Again, going just barely to the north a couple hundred feet, all of this could be avoided.
- 4) Avoidance of the Stim property (MP 402) where two active wells are within the 350' guideline that is mentioned in Appendix G, Table G-1 in the EIS draft (see FIGURE TWO). Somehow, these wells were not mentioned in the report when they were specifically mentioned several times to REX field representatives way before the draft EIS was complete. The one well is approximately 165' from the proposed pipeline. We are very concerned that this well, which feeds our home and herd of 50 registered cattle, will be contaminated during and after construction. The grade from the pipeline to the well will provide an easy path for this contamination. This should be a major part of the "construction issues" in the Shulte/Oetzel analysis. The pipeline going through this area should be avoided. During future field visits from REX and FERC, I should also be directly involved and copied on any responses to validate REX's side of the story. It is well documented, that REX has a reputation for stating what they see "to get the job done" but not in the best interest of the local landowner and his/her own good.

FIGURE TWO

Table G-1			
Water Well Locations Within 350 Feet of the Pipeline Corridor of			
State/County	Mileage	Distance from the Corridor (feet)	Direction
ILLINOIS			
Scott	17.2	273	North
Morgan	89.5	50	North
Macoupin	178.9	228	South
Monticello	180.4	325	North
Douglas	188.0	283	North
Edgar	234.2	180	South
INDIANA			
Franklin	378.8	69	North
Franklin	383.5	68	North
Franklin	388.8	78	North
Franklin	398.6	81	North
Franklin	400.2	26	South
Franklin	401.9	87	North
Franklin	401.2	84	North
Franklin	400.2	84	South
Franklin	403.2	81	South
Franklin	403.2	81	South
Franklin	403.2	78	South
Franklin	403.2	78	South
OHIO			
Buena	433.4	84	South
Warren	450.4	28	South
Warren	450.4	16	South
Clinton	479.2	78	North
Greene	475.3	130	South
Pickaway	515.8	87	South
Fairfield	529.4	140	North
Fairfield	538.6	84	South
Fairfield	538.7	82	South

No mention
of Wells on
Stim property
at MP 402

● Page 3

February 21, 2008

Now the new items:

Since these postings were filed (last one 1-29-08), the letter from Indiana Department of Natural Resources Mr. James A. Glass, PhD, Deputy State Historic Preservation Officer (dated 1-17-08 and filed 1-29-08 in FERC) has referenced a concern about House, 3184 Sharptown Road (Site #FR014, per the Phase I Historic Structures Survey for the Proposed Rockies Express Pipeline East Project-Spread 4 - FIGURE THREE BELOW).

FIGURE THREE

Unofficial FERC-Generated PDF of 20080204-0108 Received by FERC DATE 01/29/2008 As Requested: CFB 1-29-08

DNR Indiana Department of Natural Resources
 Division of Historic Preservation & Archaeology 625 W. Washington Street, 5720 Indianapolis IN 46204-2600
 Phone 317-232-3645 Fax 317-232-4850 Email dnr@dnr.in.gov

January 17, 2008

Karl Krause
 Natural Resources Group, Inc.
 80 South Eighth Street
 Minneapolis, Minnesota 55402

ORIGINAL

Michael E. Smith, Jr., Governor
 Robert E. Quinn, Jr., Speaker

RECEIVED
 OFFICE OF THE
 SECRETARY

JAN 29 10 44

LEGISLATIVE COUNSEL

001-208-000

Federal Agency: Federal Energy Regulatory Commission ("FERC")

Re: Archaeological investigations and historic structures survey (House, 3184) for spreads 4, 5 & 6 pertaining to Rockies Express Pipeline LLC's installation of a 42" wide long natural gas pipeline through Illinois, Indiana, and Ohio (Docket #08-0158)

Dear Mr. Krause:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated and received on December 21, 2007, for the above indicated project by "Franklin, Rush, Putnam, Hancock, Morgan, Adams, Shelby, DeWitt, Rush, and Franklin Counties, Indiana."

In regard to buildings and structures, we noted that you have identified the following properties within the probable area of potential effects, and we believe that they may meet the criteria of eligibility for inclusion in the National Register:

- Monksville Field, Works, 4200 E 400 S (Site #145-148-1201, per the Franklin County Inventory Report, Site #145-148-1201, per the Phase I Historic Structures Survey for the Proposed Rockies Express Pipeline East Project-Spread 4);
- House and associated outbuildings, CR 200 W (Site #145-148-1202);
- Farm, 1200 N (Site #145-148-1203, per the Morgan County Inventory Report);
- Farm, 1200 N (Site #145-148-1204);
- Farm, 600 W (Site #145-148-1205, per the Shelby County Inventory Report);
- House, 420 S (Site #145-148-1206);
- Adams Township School, 700 N 275 W (Site #145-148-1207, per the DeWitt County Inventory Report);
- Village House, St. Mary's Road (Site #145-148-1208, per the Franklin County Inventory Report);
- House, 3184 Sharptown Road (Site #FR014, per the Phase I Historic Structures Survey for the Proposed Rockies Express Pipeline East Project-Spread 4).

Information provided to our office was believed that there were no effects on the characteristics of the above

As you can see, this is a new and significant reason to move the pipeline from this congested area.

In addition, the area to the south of the REX proposed line is an area that contains significant Karst terrain. As I'm sure you are aware, the Karst "pockets" can continuously change and "sink" causing erosion and continuous movement of dirt. This is another reason to keep the pipeline to the north of Sharptown Road as outlined in FIGURE ONE above. Karst information can be referenced in Table 4.1.3-2 in the DEIS located in the Geological Hazards area. Another interesting note is the significance of the landslide rating for FRANKLIN COUNTY as being HIGH for susceptibility for landslides (Table 4.1.3-1).

● Page 4

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Archaeological finds in this area are also significant. I will post on a later date the finds of my 11 year old son in the area of the 3184 Sharptown Rd address as well as the land to the south (4165 Johnson Fork Road and 3150 Sharptown Road). Again another reason for moving the pipeline 1/4 mile to the north and away from the historical referenced 3184 Sharptown Rd address as well as the Karst and archaeological finds to the south.

Again, we have proposed 4 alternate routes.

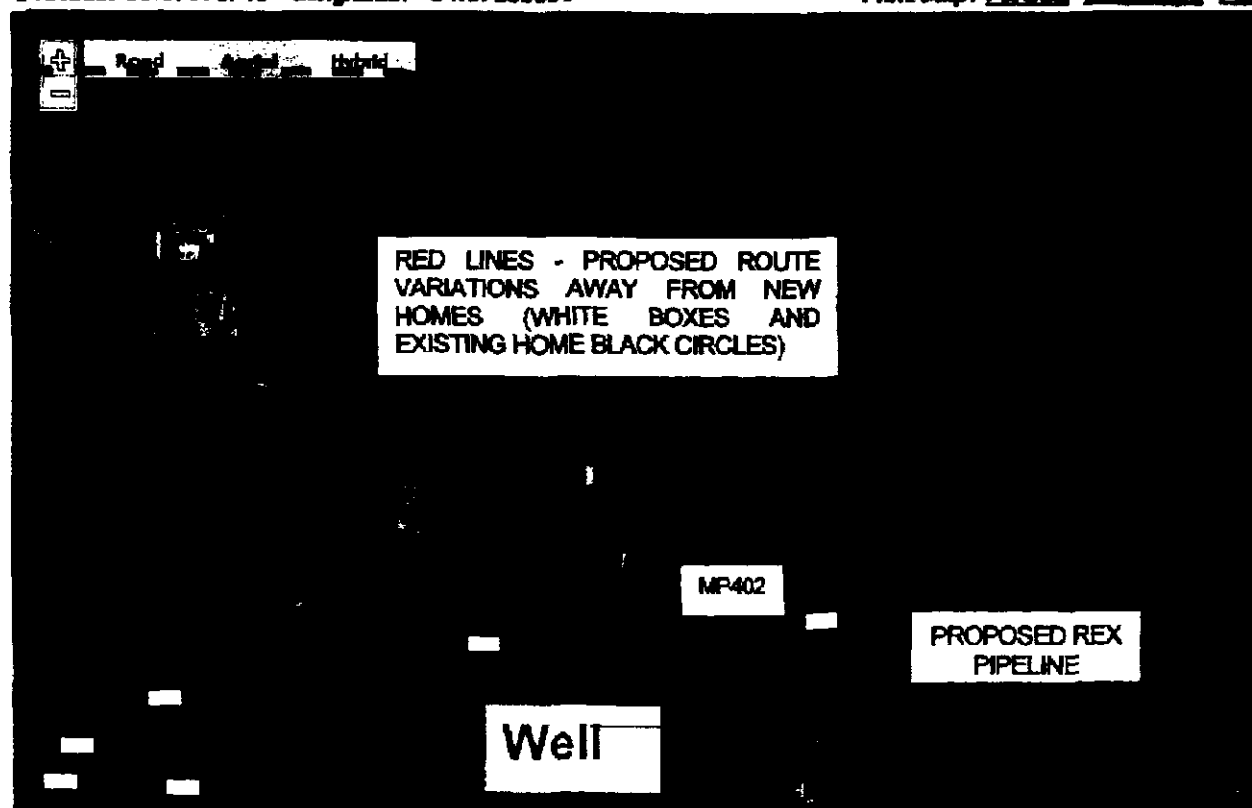
- 1) INDY NORTH ROUTE THROUGH EXISTING EASEMENT CORRIDOR. THIS IS MENTIONED IN DRAFT ENVIRONMENTAL IMPACT STUDY (DEIS).
- 2) ROUTE NORTH OF BROOKVILLE RESERVIOR. THE POPULATION NORTH OF BROOKVILLE IS MUCH LESS POPULATED AND TOPOGRAPHY IS MUCH FLATTER AND WOULD BE AN EASIER ROUTE FOR CONSTRUCTION PURPOSES. REX WOULD PROBABLY SAVE MONEY, ESPECIALLY SINCE THE WHITEWATER RIVER WOULDN'T HAVE TO BE CROSSED AND IT WOULD NOT BE NEAR 3 MAJOR LOCAL WATER SUPPLIERS/COMPANIES.
- 3) ROUTE NORTH OF SHARPTOWN ROAD. SEE FIGURE FOUR BELOW. THIS ROUTE ELEVATES THE CONGESTION IN THE AREA AND LESSENS THE IMPACT TO A FEWER NUMBER OF LANDOWNERS WITH EXISTING HOMES AND PROPERTY VALUES. CURRENTLY THE LAND NORTH OF SHARPTOWN ROAD AND SOUTH OF SPARKS ROAD HAS NO HOMES. IT ALSO IS FAR ENOUGH FROM OUR WELL TO ALLEVIATE ANY WATER QUALITY ISSUE.

FIGURE FOUR (NOTE WELL LOCATION IN GREEN and Historical Landmark)

Proposed route variation with aerial view (note new housing added since aerial photo taken)

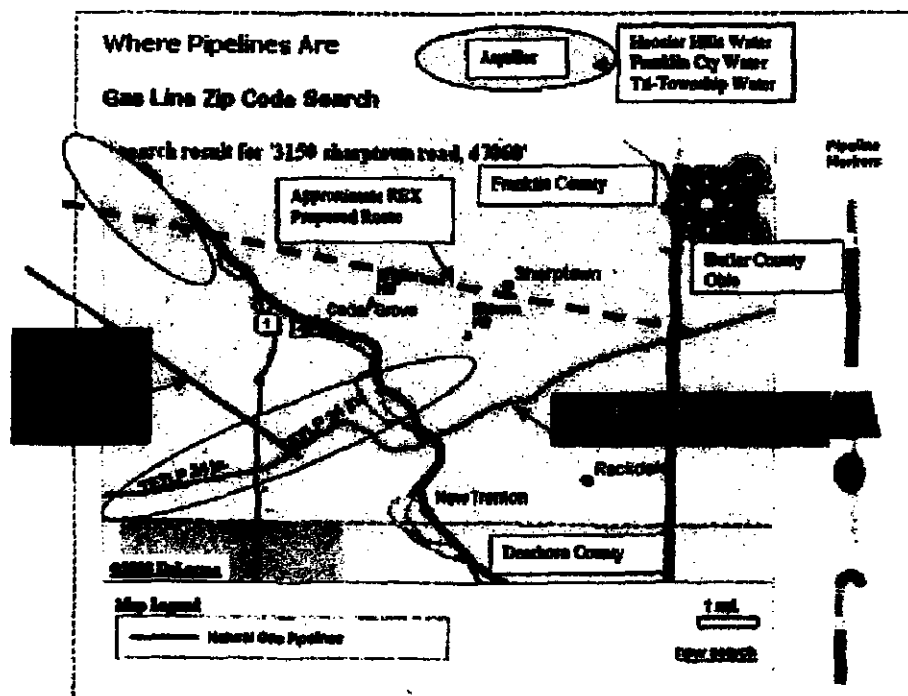
Latitude: 39.37076740 Longitude: -84.87153053

Print Map: Portrait Landscape Full



- 4) Connection with TEXAS EASTERN between Cedar Grove and New Trenton to cross Whitewater River in existing easement corridor and avoid "construction issues" and now DNR historic issues in the Sharptown Area (FIGURE FIVE).

FIGURE FIVE



**ROUTE ALTERNATIVE FOR REX PIPELINE TO AVOID
HOOSIER HILLS WELL HEAD PROTECTION AREA AND
CONNECT TO EXISTING TEXAS EASTERN CORRIDOR.**

We also have seen and acknowledged the January 30th letter from Alisa M. Lykens, Chief of Gas Branch 2, TO: The Party Addressed; that other areas have shown other route variations explored and seem to be ready for approval (throughout Illinois, Indiana, and Ohio). We cannot understand why we have not seen or heard from REX or FERC in our area; to talk to us in the field at our homes. Other landowners in our area are negotiating but we have heard nothing. Hopefully, this due diligence is forthcoming and we look forward to REX addressing a reasonable route variation away from our homes and wells.

I also urge FERC to let landowners counteract any responses REX has made in individual situations as they respond to things like stream crossing issues, Historical Landmark issues, Indiana Bat plans, Migratory Bird issues, and others. It seems that REX, with it's band of lawyers, is only maneuvering around the issues to get the job done on the "fast-track". Please, consider all local landowner issues as significant and give us the benefit of doubt as we are not the ones that are asking for this process to be thrust upon us or for it to be accelerated. Due diligence is the only proper way to facilitate this on individual basis whether or not this is really in the best interest and need of the public. I would rather leave my family and go to Iraq to serve my country than to supply our land for a "timebomb". Again my

• Page 6

February 21, 2008

home, which has been in our family for generations, where I am raising my four sons, is 175' from this "public necessity". There is a better route.

Again, thank you for your attention to this matter.

Respectfully submitted

Andy, Connie, Clay, Zach and Jack Slim

3150 Sharptown Road

West Harrison, IN 47060 (Whitewater Township, Franklin County, Indiana)

Home: 812-637-3223